

Testimony of Bishop W. Christopher Waddell in the *Marsh v. Marsh* divorce

bench trial before Judge Michael Edwards, August 15, 2019.

The first segment consists of Bishop Waddell's examination by Doug Adair, attorney for Lauren Waddell Marsh. The second segment, beginning at 01:01:23.960 --> 01:01:28.960, consists of cross examination of Bishop Waddell by Mike Nielson, attorney for Russel Marsh. The third segment contains the redirect by Doug Adair, marked at timestamp 01:15:49.960 --> 01:15:50.960

00:28:53.960 --> 00:28:56.960

You should follow the instructions of the testimony you may give in the trial hearing before the court

shall be the truth, the whole truth, and nothing but the truth, so help you God.

00:28:56.960 --> 00:28:58.960

Thank you, Mr. Waddell. Please take the witness stand here and respond to the questions as I've directed you. You already heard what I have to say about that, so I won't repeat it. Thank you, sir. What is your name, sir?

W. Christopher Waddell, Chris Waddell.

And where do you reside?

In North Salt Lake.

And how are you related to the petitioner?

She's our first daughter, our oldest child.

How many kids do you have?

We have four children.

Okay.

Where does she fit in?

She's number one. She's the first.

Okay. All right. Did you at some point become aware that Mr. Marsh was arrested?

Yes.

How did you become aware of that?

Carol and I, my wife Carol and I, were on an airplane on a tarmac in Hawaii, returning home from a vacation, and when we received a phone call from Lauren stating that the FBI had come in, and they were there, and we've already heard the situation about what took place with the FBI, and that Russell had been arrested.

Okay. All right. Anything more that she told you at that time?

I don't recall. She seemed to be a bit, again, in shock, not sure what was going on. And we were just taking off. There wasn't time to chat.

Okay.

Again, we were on the tarmac getting ready to take off.

Okay. Did the conversation continue with Lauren, with your daughter Lauren?

Right at that moment, it didn't.

We took off, and then when we got home, then we communicated, learned a little bit more, and I made plans to fly out immediately to assist and to be there and be supportive.

Okay. Did you then go out to Lauren Marsh's house?

I did.

Okay. When did you go?

It would have been -- I guess we got home middle of the week, and it would have been, I guess, on a Saturday. I don't know if I arrived on a Friday or Saturday, but it would have been, I think, the first weekend following the arrest.

Okay. All right. And how long did you stay there?

Just a couple of days. I can't remember, to be honest with you, by returning home. I guess I would have returned home Monday because I had to be back for things on Tuesday, for meetings on Tuesday. And so it would have been just for a couple of days, that visit.

What was the specific purpose of you going? What did you want to accomplish?

First and foremost, I wanted to provide some support to my daughter and granddaughters in a very difficult situation and what was going on, and just to be there to be dad and to provide support. And at the same time, we had been an opportunity to review her finances. Again, at that point, no one still knew what was going to happen with Russ, if he was going to be getting out soon, if he was going to be long-term. No one knew. And so it was a matter of knowing that at least it was going to be a while and going

through the finances and things to see where things stood for her to make sure that they had the financial wherewithal and support they needed at that time.

Did you dig into the finances on the trip?

We did to the extent that we could because a lot of the information had been taken by the FBI when they raided the home. And so there was a lot of material that wasn't around to review, and so we did the best we could.

Okay. What were the key materials that you were able to review that were important to you that you saw at that time that stick out in your mind as being important as far as finances?

Mortgage issues, for one. I mean, that was one concern, you know, what are we going to do with the mortgage.

Let's talk about that before we move on.

The mortgage, what did you find out on the mortgage?

We learned that there had been, at the time that the home was purchased, there had been a -- I don't even know if we want to call it a second, but a kind of a home equity line on the home as well. And we were -- at that point, I don't think we had determined whether money was still owed or not because it was from a different bank. And so we were still trying to figure out and find account numbers and things because, again, everything had been taken. And so just trying to track down that information. And so what we learned was that there had been a second taken out and that there was \$100,000 less of equity, if you will, in the home than had been supposed.

Okay. And you just find out when the second was taken out?

My understanding, it was in conjunction with the purchase of the home. Again, I believe it was more of a home equity line. Again, I'm not completely familiar. A second home equity line, but I believe it was at the same time, which allowed them to purchase the home.

Okay. And so any surprises about that mortgage?

Well, the surprise, Lauren had understood that there was more equity in the home than there was, understanding that that second had been paid off, that they didn't owe that \$100,000. And on the second or on the home equity line, there was this primary mortgage, and understanding that there was that, that she thought there was more available as well.

Okay. And was the mortgage in arrear, or was it late?

Yes, on the primary mortgage, the principal mortgage, it hadn't been paid the previous month. And so we paid that, and through all of this, Kirk Marsh, Russell's father, was there, and we worked on this together

and going through everything. And so we kind of divided things up. He would look for some things, I would look for some things, Lauren would look for some things, and we worked together on this process.

Okay. Why was it you that paid the cost of the arrearage? What was the thinking there?

I'm sorry?

Why was it you that paid the arrearage? What was the thinking there about you doing that, you being the person that did that?

Going back to visit with Lauren?

Well, no, no, no. The catching up the mortgage.

Oh, to be honest with you, I'm not sure who caught it. We caught it. It was really a team effort while we were there, and so we all were finding things. And so I'm not sure who first brought it up and how it came forward, but it was sound.

Who cured the arrearage?

We made the first payment, and then the Marsh's made the second payment in the process of the home getting sold, because it was clear that as we went through this, there was no money anywhere else. There was no money in the accounts that Lauren thought there had been. There was no money anywhere. But mortgage payments were due, and so we stepped in to make that payment. The Marsh's made a payment. We deposited \$5,000 in an account for Lauren to be able to cover other costs. We made a payment on the car insurance because that had lapsed, and so she was driving around as she mentioned without any car insurance, and so we made that payment. And so anyway, that's kind of what took place.

Okay, and so other big ticket items. What were the other big ticket items that were the big things in that meeting that came to your attention?

The mortgage was the primary big ticket item, given that it was in the \$100,000 range. I mean, Lauren's talked about the account where she had seen screenshots of \$35,000 and thought that that was there, and so we were looking for that and found out that--

What was the bank?

If I'm not mistaken, I believe it was Wells Fargo.

Okay.

And then we also found out where she thought that the American Express bill had been paid off and was at zero. She had used it for buying things. I think it was a Delta Airlines American Express, and so they would use that for purchases, and then Russ would pay it down, and she thought it was at zero. But I think there was a little over \$7,000 owed on it, and my wife's mother, Lauren's grandmother, paid that off.

Okay.

And what was on this bank account that you talked about, the \$35,000? What were your undertakings in looking at that?

I don't remember personally ever seeing--again, we didn't have any computer screens to look at. Again, everything had been taken, and so it was just--I don't remember exactly how we finally determined that there was zero. A call was made, Lauren saying, "I think I have \$35,000 in the account." A call was made, and learning that no, there's nothing there. And so, again, I don't recall how we found out, just that we found out. And as we were going through things, we were asking her, "What do you think you have?" And she said, "Well, I know we have this, and we have the mortgage, and there used to be a second on it," and those kind of things. And so as we looked for the information, that's when we determined that one account was now zero, and there was \$100,000 less in equity than we thought there was.

Okay. Got it. Okay, and retirement accounts, the issue of retirement accounts, did you investigate that issue?

Just the extent that--I asked Lauren, "Are there some? What else is out there?" And she just mentioned 401(k). I don't remember if she mentioned IRAs or not. I don't know if that had ever been part of it. But once again, we never had an opportunity to look and to see the amount, other than Russ has been investing the 401(k) in the different banks where he's been, and money's been coming out for our retirement, and so I know there's money there as well. We had no way at that time to find out where because we didn't have documents. Ultimately--and it wasn't that weekend that we would have found out. It would have been--Lauren, at some point, would have learned that there isn't anything there. There is no longer a 401(k) and there are no assets there. I can't honestly say--I can't say how much may have been there. I really don't know.

Okay, and did you come up with an action plan at that time, the further items that needed to be done, the tax reporting?

So, the action plan was--at that point, again, there's so much uncertainty still. We're getting around the first weekend and not knowing what else is going to take place. The action plan was, we'll pay mortgage, we'll make this one, the Marshes will make one, we'll deposit money in her account to cover--we found out there was no insurance, so we got that taken care of. We made sure about health insurance, made sure that was brought up to speed because that was in arrears. So, we covered that.

Specifically, what happened there? You made a payment on a policy or what?

We made--I know--the one I know for sure, and I was looking at it last night, is I know we made a payment on a progressive insurance for the car. I don't remember how the health insurance may have been resolved. I do know that we had some time on certain things. You know, there was lawn care, and so not everything was due--not everything was in arrears. And there were payments that were going to need to be made. And so, since I was going to be leaving, that's why I deposited \$5,000 in Lauren's account to

allow her to continue forward and make those payments as necessary. Again, short-term fix, not knowing what else is going to take place beyond that.

Okay. Where did it go from there? Where did this--your work on the finance items go from there? What--

Well, really, the next real step for finances from us was when Lauren moved out to Utah. We paid for the move. It was between \$10,000 and \$11,000 for the move to come out to Utah, and so we paid for that. And we also learned during this--it wasn't while I was there the first time. This wasn't until a little bit later on, not until I was gone, that they found out that money was owed on the Minivan, on the Odyssey. I don't remember how long it took from the time that we knew that, the time it was repossessed. But when she did move out, she needed a vehicle, and so we went in and she took \$10,000 from the receipt from the home, and we put in another \$11,000 to \$12,000 ourselves to be able to purchase another Odyssey that looked essentially like the one she just left behind. She was comfortable with it. The girls loved it. They saw it and said, "It's our car," which is why we specifically went for that kind of a vehicle. And so we assisted with the move. We assisted with the car. And then, again, as was mentioned, starting in February, we began depositing \$700 a month. The Marsh's were contacted and asked if they would also participate. Lauren contacted them, and they said yes and agreed. And so since February of 2018, we've both been depositing that money. We then, during the course of the next 18 months that Lauren and the girls were living with us--

Doug: And \$700 a month.

\$700 a month. And so during the course of that time, we were assisting and not asking. Lauren paid for groceries occasionally, and we kind of worked out she would go grocery shopping, and we would go grocery shopping for the kids, for the family, the utilities, those kind of things we covered. And then it was in earlier this year that we purchased a townhome so the kids wouldn't have to-- and Lauren wouldn't have to live in our basement, and they would be able to have a little bit more autonomy and kind of move on. And so we purchased a townhome for them.

Doug :Okay. Now, let me ask you, so you--how often have you interacted with Lauren Marsh since she moved to Utah?

How often? We lived in the same home for a year and a half. And so frequently.

Okay. And you've been in court here today listening to the allegations that she's interfered with telephone contacts and that kind of thing. Is that right?

That's right.

Doug: Okay. So, let me ask first, first, what is her general approach to an attitude toward these parent-time issues? What have you seen that--and I guess the foundational question would be, what's your observation of her personality in general, how she's handling these issues?

Chris: The issues meaning the calls or--

Doug : Her attitude toward protecting the children. What is her personality? What is her approach?

She has a shirt, she has a necklace that says "Mama Bear." It goes back to her desire to be a mom and to protect her children at all costs.

Okay.

In proactivity, do you—

yes, please.

In proactivity and with the girls, she's a wonderful mother with them. And it's clear she loves them, she cares for them, she takes care of them. When she moved into our home, we asked, "Would you like us--to what extent would you like us to be involved with bathing the children, with taking care of the children, those kind of things, now that you don't have a husband here to help?" And she insisted, "No, this is--I'd like to do these things. I'd like to do that." And so, you know, taking care of them, because she wasn't working outside of the home at that point when she first got there, Carol would make dinner at times, Lauren would make dinner at times, and so they would share some of those duties and responsibilities. But Lauren would take care of the girls, bathe the girls, say prayers with the girls, read to the girls, sing to the girls before they went to bed. And that's typically when I would see the interaction, because I was gone early in the morning before anyone else would get up. And so I would see that interaction when I got home.

doug: What kind of relationship does she have with these girls, in terms of give and take?

As far as give and take, maybe--

Doug: Her specific relationship.

Well, they love their mother, and they know that she loves them. And like any parent, there are times when you have to correct your children, and so she will. And there are times when you might get frustrated as a parent with three little kids, and sometimes that may happen. It just--in the normal course of life, I think even more so when it's a single parent and all the responsibility is on one. But they love her dearly. One of the things we saw very quickly was their--more than hesitancy--in some words, it was almost panic at times--but how hard it was for them, for her to leave for any period of time. We heard the children ask her, "But are you coming back?" And so she would be trying to convince them, share with them, "Don't worry, I'm coming back, and I'll be there." And they wanted to be with her, they wanted to be around her, and still do. And that's calmed down somewhat. There are times when she can leave. Again, she's in her own home now, but there's still a bit of that, but not nearly what there was before.

Doug: Okay, and let me follow up on that a bit, because you used the term "mama bear" and "mama bear" paraphernalia. Do you, from your observation of your grandchildren, do they need a mama bear at this point?

I think very much so.

Doug: Why?

They're still dealing with--and if I use the word trauma, I might get an objection--they're still dealing with the repercussions--if that works okay-- the repercussions of what took place. They're still sensitive about it, that's why they're still seeing a counselor to try to work through those things. And the very nature of Lauren going with them to make a visit--Lauren was very supportive, and from the very beginning, again, as evidenced by August of last year, willing for the girls to be with Russ. And that's our desire as well. We would love nothing more than to have all of them have a positive relationship in the future, and even now. But they needed her. They needed her there to be with them in an environment and situation that is not normal for young children to be involved with.

Doug: Do they need any stability mechanisms right now?

I'm not going to--

Doug: Okay, let me move on. Let me move on and ask you a question. Since the move, do you have any admiration for the way your daughter is handling--

Oh, it's been remarkable.

Okay.

The way she has dealt with things. It's been mentioned that she has suffered from some health issues, particularly the ortho-- [inaudible from Lauren] That's the one. Orthostatic hypertension, and there's been a tremendous improvement in this environment, physical environment. And so with the drier air, the lack of humidity and things. And so it's been wonderful to see how she has stepped up in a physical way, both physically and emotionally, and has gotten stronger as the time has gone along, from the time she arrived.

When she was dealing with the emotions herself and what she's been through as a wife with her spouse, at the same time trying to handle and take care of the children, which was challenging, and a blessing that she was in our home. She needed to be there at that time, and fortunately we were there to be able to support, and we feel very fortunate that we were in a situation where we could provide that support to give her time to become more stable and stabilized with the girls, and to watch her progress to the point where it was possible for her to go to a home and be on her own with the girls. And it's just been great to see.

Doug: Okay. Have you ever heard her say anything negative about her respondent, Mr. Marsh, in the presence of these three girls?

I absolutely have not. And we have been around for a year and a half when calls were being made, and she was there to answer the calls, make them available, and as a matter of fact, I remember her even talking about it, and she referred to it today, where the children, and she shared this with us, and that she shared with others, that the children are a combination of Lauren and Russ. And if she speaks badly about him to them, she's telling them that they're half bad. And she said, "I won't do that." And she hasn't.

Doug: Right. Yeah. And since the move to Utah, have you seen her being proactive in promoting Mr. Marsh's relationship with the kids in any fashion?

Well, the calls, absolutely. And even when they started off with one call per week, and then it was Lauren and her previous attorney that made the offer of an additional call per week, that wasn't a request, it was an offer from Lauren, with the hope that, you know what, we'll offer this if we can have something in return, and we'll work on this and negotiate, and nothing was offered in return, ultimately. But the call was made permanent. And so, that call, and again, so if you add up two calls a week over however many weeks that is, we're talking well over 100 plus calls. And she makes them available. I've heard her cajole, plead, ask, almost demand that the children speak with their father. And we've heard them at times cry, saying, "You said you wouldn't force me to do this." And doing what she could, and then to have Russ say, "You're turning them against me. That's why they won't call." I can assure you, well, I guess, again, maybe an objection to her personal opinion, but I just don't think Russ understands that it's due to his behavior, not Lauren speaking negatively. I think he can't comprehend that it has to be Lauren, because if it's not Lauren, it must be me. And he's only made mistakes. He continues to refer to the mistakes he's made. His father has referred to his misplaced actions. There is still a denial of responsibility that has continued from the beginning.

Doug: Okay. And there was some talk about the mechanics of these phone calls, being on a speaker phone. Have you seen it mechanically?

I have. It was in fact yesterday. He called, and I answered the phone. This was after Lauren forgot about the call, and he called and said, "Well, you can call back. I'm sorry, I forgot about it. They're up at the house, and they spent the night with us last night." And so she drove up, and I answered the call for Russ, and it was on the speaker phone. And I was there helping because if I hadn't been, I could hear the girls in the bill, in particular, the four-year-old, would make a comment as a response to something that Russ had maybe asked. And he couldn't -- I could see her mouth, so I could hear what she said. He couldn't hear it. And so I had to say, "Well, say it again. Say this," or this. And so I was there helping that if I hadn't been on the speaker phone, it couldn't happen. So as Lauren said, "You want to take off the speaker phone? Take off the speaker phone." But his calls are going to be significantly less productive than they are because of the speaker phone. But if that's what he wants, then that's fine.

Doug: Okay. And is it -- okay, and so you're -- all right. Okay. All right.

Doug: So what is your observation, your factual observation, of how each individual child is doing right now?

Mike: 'll object, your honor. Well, I guess factual observations along with everybody else in the world.

Doug: So what's each child's personality? How are they doing right now? What's going on along with each child?

Yeah, I think a lot of things we've heard today are spot on. When we heard from Lauren Tipton, the counselor, that was a very brief testimony. But her description of the girls of NRM being a little bit more

nervous, a little bit shyer, a little bit more hesitant on certain things. ILM being a little bit more disconnected. She's a little bit more off dancing with the daisies kind of thing. And NRM's a little bit more grounded and focused and, again, asking questions. We'll use a word about something and nobody's talking to the kids, but they'll be able to get the table, we're speaking, say what does that mean? What does that mean? She really notices things. And so they've improved dramatically in the time they've been here. I think there's an aspect of time heals all wounds as part of it, and moving on and being in a more stable environment, attending the same school now for a period of time and not bouncing around. It's just more stability. And so I think they're doing much better. There are times, you know, last night, two days ago, I guess it was yesterday afternoon, both of the older girls were crying because they didn't want Lauren to leave today. It's been hard for them to have Lauren work. They want her home this summer in particular because they're not at school. And the thing is, she needs to work. She's a single mom. But it's hard for them to have her gone for longer periods of time. They still have that uncertainty, that concern about having her leave now and not come back.

Doug: Okay. We're nearing 5 o'clock. Let me ask you this question. Since his arrest, have you had any interactions with Mr. Marsh, the respondent?

Very little.

I think the only interaction that I may have had was when we spent--I guess we were there for Thanksgiving. I know we were there at Christmas. I know we were there at Christmas and saw him, and I believe we were there at Thanksgiving as well.

Doug: Okay.

I'm looking for some help, but I can't--it's been brief, my interaction with him and a few discussions. Whenever it was, I did have a--it would have been in the Marsh's home for one of those holidays, and that would have been the extent of my interaction with him.

Doug: Let me ask you about the issue of--there's all this grandparent dynamic and this whole thing, and specifically this issue that was talked about, about, you know, telephone contact and all of that. Do you see Lauren--have you seen any behavior by Lauren trying to interfere with the paternal grandparent's relationship with the children?

Interfere with?

Yeah, well, they live in Virginia, and we're in Utah, and so just the distance itself, the Marsh's came out for NRM's baptism, and we were all together, and she facilitated time to be with them then. I don't know if they've come back since then. They're here now, and so I think they were going to try to get together, but there haven't been-- if there's a lot of concern, there haven't been a lot of trips out here to be with them. And so when they did come, and if they were to come, then that would be fine.

Doug: Let me follow up on exactly just the point you made, and I'm just going to finish up here.

Doug: What--just practical avenues, what you just said, from your observation of this case, how could they become more involved in an informal, on- court or--what was the practical--

Mike: I'll practice my objection on it. That's far beyond the way this is.

Doug: Well, he's observed the situation, and he knows he's a grandparent, and he's seeing this on a very practical level of what the avenues can be to get more involved, not through court or admission, but what the real practical realities are.

Mike: He doesn't live with them anymore, or doesn't--he's relying on his past history.

Doug: Well, Your Honor, I'm really asking right now just what he's involved with the situation, the opening that he could see, how they could take steps to become involved.

Mike: hat's my--in an on-court--as I said, Your Honor, I think that's an inappropriate subject for this

Edwards: So your question is what can the other grandparents, the Marsh's, do to get more involved in a non- court-ordered way?

Doug: Yes. I'm asking--the allegation has been made that Lauren is somehow actively interfering with that, so I'm asking what are the practical realities of what they can do at this point from your observation of the situation?

Mike: And I'll object again.

Edwards: No, I understand. I'm going to abstain from objection.

Doug: Let me move on and ask about your wife, what your wife has done for these children since their move into the state of Utah. What has she done to help the kids?

She was a stabilizing influence when they arrived. Again, given what Lauren had been through and trying to figure things out and having to leave her home that she thought was her home and having her world turned upside down and the children as well. Carol was really the stabilizing influence. It was a mother and a daughter. I mean, Lauren was coming home, she had her parents to care for her, and in particular, the mother bear that she had learned from, who is absolutely adamant about protecting her children and caring for them. She stepped in and helped the girls when Lauren had to go to work, and when Lauren was receiving counseling or whatever the case might be, Carol stepped in and cared for the girls and would watch them on a regular basis. Now that Lauren, this summer, she has a grandma camp where she takes the girls places and they come over and she does things with them. I think it was clear when she went back to Virginia, the girls were hanging on to her as well, and she was incredibly supportive there with that. She's been incredibly supportive because they've been in our home. She was able to provide really that stability when they first arrived so Lauren could get more stable because of everything that's taken place.

Thank you.

01:01:23.960 --> 01:01:28.960

Mike: She never crossed that, so I don't have really many questions.

Let's do a tick.

Sorry, John. That's a long day.

Sorry about that.

Mike: What was the name I called you?

Chris. Chris is all right.

Mike: Chris is weird. Mr. Waddell.

I mean, I'm Bishop at church but not here.

Mike: Would you go to the exhibit, the smaller one, and go to page 29? That's under exhibit three. This is the letter that you wrote.

I'm sorry, page?

I'm under exhibit three.

Mike: 0029

Oh, I'm sorry. Okay, thank you. I was looking at the top.

Mike: No problem.

Yes, sir.

Mike: Do you recognize that letter?

I do.

Mike: Now, what I'm hearing today is that the things that people have said in their letter were true. and you would verify that as well.

Correct.

Mike: So, did there come a time when the baptism of one of your daughters or baby blessing or something, that she took an opportunity to address the congregation and talk about what a blessing it was for the Marshes to help your daughter and what a blessing it was to have Russell in your family?

I don't recall. It's possible I may have. I give a lot of talks.

Mike: Everywhere you go. Well, off the record, your one for the last conference as the best of the best.

Thank you.

Mike: He has been a patient and calm father and husband. And I've been thrilled with the way he's handled the circumstances of family life, generally speaking. Even when he's upset he doesn't raise his voice to demonstrate frustration. Those are high praise that you feel about him, don't you?

That's what we observed from where we were, absolutely.

Mike: So it was probably just a terrible shock when he was arrested.

It was. Like everyone, we all thought that they got the wrong house.

Mike: You have a very interesting comment in your letter, down at the bottom. Perhaps the last few words of that page. "That's one reason that his arrest shocked me, is that he's never led a flamboyant lifestyle."

That's correct.

Mike: In other words, they don't have a lot to show for the \$2.9 million restitution order that was signed off.

No.

Mike: The family really didn't benefit a great deal.

No, they've just suffered because of it. Dramatically.

Mike: And he did not live a life of opulence, in the home they purchased. It's a new home, but not opulent, and not a man of ?

No, he just lived a lie.

Mike: It doesn't make sense. I haven't seen anything like that. I've generally seen that people who have higher lifestyles, that they're just straight.

I'm not used to looking around. They've been embezzeling money, as he has. I haven't been around too many. This is fairly new for me.

Mike: That's true, and you're one of the few non-lawyers that we've heard from today.

My background is finance, however.

You did what?

My background is finance, however.

Mike: So you're aware of the mistakes and the seriousness of what Russell did.

Yeah, but I prefer not to use it. But I think if I may, one of the challenges, Mr. Nielsen, is that everyone keeps on referring, the Marshes and Russ, referring to the mistakes he made, which in my mind indicates a lack of recognition for what he's done. In my background, ecclesiastically, I've been involved in a lot of people that have been involved in a lot of serious situations, and I've seen the difference between recognition and lack of recognition, and that's one of my concerns. And my hope is that one day, Russ will recognize the seriousness of what he's done and not 'the mistakes which got him torn away from the family.' He doesn't recognize it. Misplaced behavior isn't an indication of recognition of what has taken place. We've never been--

Mike: What phrase would you use?

The crimes that I've committed, we've never been apologized to for the disruption to our family by Russell, ever.

Mike: So in other words, and Bishop, it seems to me, in reading this, you said for the last sentence, right, you don't know in any way that things that Russ has done. And it's offensive to you that he doesn't say, "I'm a criminal."

It's offensive to me that he refers to mistakes. He refers to his camp. He refers to the camper, that he's not in prison. It's offensive to me that he isn't owning up to what he's done, that he considers himself a victim and blames Lauren for anything.

Mike: I remember one of the LDS 12 step programs.

I'm aware of them.

Mike: And you haven't attended one.

I have. I've attended one to visit and see how they go.

Mike: And it wouldn't surprise you at all, would it, to say that the organization that you belong to refers to them as mistakes?

Yes, when they are. But typically the people in those 12 step programs aren't in federal prison for federal crimes.

Mike: And that's what this is all about, isn't it? He's in federal prison for federal crimes. His daughters have a right to fear him because he's a criminal.

Fear him? No. I never said that.

Do you believe that?

Mike: Well, I believe your daughter's behavior on the stand shows that that's what she has instilled in them.

No, not at all.

Mike: Do you not agree with that?

I would strongly disagree. I think it's been made very clear here that she has done anything but speak negatively to Russ. I'm not sure where the words--

Mike: Speaking is only one form of communication with a mom bear and children. Would you disagree with that?

No, I wouldn't disagree. But it's difficult for me to see individuals make claims about her behavior when they haven't been there to watch. We've listened to you numerous times refer to the things that she's done and how badly she's been, and it's completely false.

Mike: No, you'll never hear me say how badly she did anything.

We have listened to you say those words, Mr. Nielsen.

Mike: What I'm trying to say is that you're a grandpa, and you enjoy a great deal of time with your kids, and your wife gets to have them every day. But when they went back to Virginia, your wife went, and the Marshes didn't get any time at all.

She went to protect Lauren.

Mike: Yes, I'm fully aware of that, from the Marshes.

And it's a good thing she went, because Russell was very different the two days that she was with them in the prison.

Mike: I'm absolutely certain. You know, Bishop, if you remember, you said that you're grateful he married to your daughter. Your daughter had love him, your youngest son loved him. I think in your family, am I safe saying those may have been true then, but they're not true now?

Do we love Russ? We still love Russ.

Mike: No, the attitude of your correspondent.

Oh, the attitude. I wouldn't write the same letter today.

Mike: That's what I mean.

No, absolutely.

Yes.

Mike: And the reason for that is because?

Is because of the behavior that we've seen. And no acceptance of responsibility. That's part of it.

Mike: You heard your daughter talk about the Marshes. One of the things I admired about your testimony, I understand, is that you said it was quite a team effort.

It was.

Mike: When did it change that they became so evil? I'm talking about Kirk and Shawnee.

I don't think anyone said they were evil. I don't think.

Mike: Well, your daughter gave all kinds of reasons that she wouldn't trust their children alone with them. What would you call them?

Doug: Objection. He mischaracterized.

Chris: I'm not going to use that word.

Mike: Not at all. The court will remember her testimony. She said, "I didn't talk about just me. I'm protecting my children, and they are not going to be alone with those people." Now I'm summarizing that that's exactly what she said.

Mr. Dinner, I think she would say that, yes, she didn't -- well, the question can be answered.

He can answer the -- all right.

I prefer you use a different word then word "evil." I don't believe that -- I don't believe that at all.

Mike: Your daughter sat there and said they shouldn't be alone with the kids. Do you agree with that?

I agree that they shouldn't be alone without Lauren right now. I don't think right now, because of the way --

Mike: You're not answering the question.

Okay.

Mike: Your daughter said her children should not be alone with the kids, with the Marshes. Not because of their clinginess or anything else that you want to use. Because of their characters.

Okay. Right now, I don't see --

Mike: I don't want right now. You know why your daughter hates the Marshes so bad.

She doesn't hate the Marshes. She doesn't hate the Marshes. Well, the answer to the question is she doesn't hate the Marshes. If you'd like to rephrase the question, I'll answer it.

Mike: Does she fear the Marshes?

Does she fear them? She fears -- we fear right now that they also don't understand and are playing into Russ. Our feeling is and fear -- it's not a fear. Our feeling is that they have, through you as a relative of the family, and they have --

Mike: That I'm a relative of one of their daughters-in-law?

Exactly. And that you have all drugged this out much longer than it should be, that Lauren has been vilified, that the letters that Mr. Marsh, Kirk, sent to Lauren I would never do to her son, to their son, to writing Lauren and telling her that if she changed her heart, she might become the daughter of God that he would like her to become.

Mike: Do you have that letter, Bishop?

It's a text that Lauren has, yes.

Mike: Has it been introduced in evidence?

I don't know if it's been introduced or not.

Lauren: I can show it to you right now.

Mike: I'm just wondering.

I don't know.

Mike: I ought to know these things.

Well, you asked a question. I'm answering it.

Mike: You're saying -- well --

Well, if you already know all the answers, then why did you ask me, Mr. Nielsen?

Mike: So, what I'm wondering is this.

You asked me a question.

Mike: You said that there was really a good team effort. I'm just wondering how we lost that and how we can get it back.

How we lost it? Well, I think we can get it back if they would accept responsibility, if they wouldn't vilify Lauren and refer to her as the responsible party in the situation, if they would work with us in trying to resolve the situation.

Mike: What do you suggest for working with you to try to resolve?

Well, one way --

Mike: You are aware that the offer is sole legal, sole physical, and he doesn't undermine the situation?

Until Russ is released and then would be able to move forward and, I'm not sure the legal terms, and resolve the situation or come back and try to change it whatever is necessary based on what his employment is, where he lives, and all those kinds of things. And then, again, I'm not sure the technical terms.

Absolutely.

[Silence]

01:14:20.960 --> 01:14:27.960

Mike: So, Bishop, it seems to me from reading the letter that you were able to separate the bad behavior from the good in the person. I think you would agree with that. I think you have that ability.

Absolutely. I've seen so many that have made the changes that are necessary, but it's never happened until recognition. And it's difficult, too, when we talk about being a good father.

The fact that Russ didn't abuse his children, the fact that he was kind to them and played with them, the fact that he was kind to Lauren, and that doesn't necessarily, by your definition, by the Marsh's definition, by our definition, by Russ's definition of our faith's belief, the Proclamation of the World regarding the family clearly states a father's responsibility and a parent's responsibility, amongst other things, to teach them to be law-abiding citizens, to raise them in righteousness, to preside, to protect and provide.

Mike: That's enough

All of that is part of being a good father. You have to do more than just be a kind person.

Mike: And therefore, Bishop, until he's willing to say, "I'm a criminal, I'm in prison, and I'm no good," he's never going to be forgiven by the Waddell family.

That is absolutely false.

I'm done.

Thank you.

01:15:49.960 --> 01:15:50.960

Redirect.

Doug: I'm going to start there. Do you deal with situations that are nuanced or complex? They have complex human dimensions to them?

Yes.

Doug: Do you think that this is a situation that has complex human dimensions?

Mike: Objection, your honor. Leading the witness

Doug: I'm sure we can work that out.

Mike: Well, I'm sure we can, of course.

Doug: But my question is, is there complexity in this order with the case? Is the detail still the most important?

Rephrase that for me. I'm not quite sure where you're going

Doug: Let me ask you this question. As you see it, do you believe sole legal custody is in the best interest of the children, of the children?

Mike: Objection

Doug: Simple question.

Mike: Does either of you know what the phrase "joint legal custody" means?

Doug: I can rephrase it and ask it. Do you believe that your daughter, Lauren Marsden, is able to make decisions regarding the children?

Yes.

Doug: Why?

Doug: But not from her perspective, from the children's perspective. How do you think of that?

Mike: I'll object to this entire line of questioning. I mean, we can all give our opinions but it's 10 after 5, and I think we should move on.

Doug: I think he has wisdom, experience. He's interacting with the children, and I think he can testify to what he's seeing, a practical effect in the children's lives.

Edwards: I overrule the objection. I'll allow the question.

I'll provide -- again, I'm not an expert in a lot of things. I'll provide my opinion that from my standpoint, it appears unreasonable. Now, what I don't know are all the aspects of what "joint legal custody" may imply. But based upon at least the appearance of or what the phrase infers, is that it would require the two to work together.

Doug: Let me break it down for you. Do you think that she ought to be able to get a passport without arguing over that?

Absolutely.

Doug: Do you think that she ought to be able to get church ordinances without arguing over that?

Absolutely.

Doug: Do you think she ought to be able to choose a location without arguing over that?

Yes, and the school.

And, for example, one situation took place where she had to change schools, and Russ was very upset and asked, "Well, why did you do that?" And if that had been a situation, and we know his frustration and anger towards her, our fear is -- our fear and concern is -- hat he would hold things up just to control, which is some of the things we've seen. And so that would be a concern.

Doug: Okay, but what about medical. and making decisions on medical.

There are things that happen that you just can't -- you can't -- you don't have time to try to communicate, nor can she communicate on a regular basis. She can't get a hold of him. We saw that when ILM was sick and she had salmanilla poisoning. That' a situation where we can't call him. She can't call him. An e-mail can go through, but there's no way of knowing how soon that e-mail will be seen.

Doug: Right. Isn't there an aspect of a court order that requires her to provide information?

Which she has been doing.

Doug: That is --

For the last two years, she's essentially --

Mike I'm just offering my objection. These are just leading questions of very little worth.

Doug: Maybe I can just finish on that and ask if he's seen her affirm or proactively provide information.

For the last two years, she has been taking care of the girls, handling all the situations, and she's been informing Russ when things take place.

Mike: Thank you.

Edwards: Any request, Mr. Nelson? I think you can step down, Mr. Waddell. Thank you for your time. What else can we accomplish today, Counselor?

Doug: I think we're out of time today, Your Honor.

Edwards: Anything we need to discuss, from either party?

I --

Mike: You just have one more witness, Carrol.

Doug: We have Carrol, and then we also have the other Mark.

Mike: Is that -- Is that telephonic, too?

Doug: Yes.

Mike: He's not a lawyer, is he? What is he?

Doug: He's -- I don't know.

Lauren: He does HR for corporate development.

He doesn't know how to talk.

Mike: I think that's a little bit different. I think his testimony is going to require some time. I'm just still very uncomfortable telephonic with the person that opened that door.

Edwards: But I understand that. I appreciate everyone's assistance today. I know it's been a difficult day. I hope everyone will have a good evening. The court will -- the plan, I believe, is to come back at 8 a.m., right, to maximize the amount of time for your client.

Doug: Yes.

Edwards: That will be for everyone.

Doug: Yes.

Edwards: Okay, then we'll see you all at 8 a.m. tomorrow, and the court will proceed as we've discussed. Thank you again, and the court will be in recess.